

Remarks

The specification has been amended to recite the formula of claims 1, 19, 36 and 37 (and claims dependent thereon). Support for this amendment can be found in the provisional application to which priority is claimed (USSN 60/135,861) on page 2, line 20 through to page 3, line 4, and page 13, lines 22-25.

Claims 1, 19, 36, 37, 40, 43, 46 and 49 have been amended to recite Formula III compounds rather than Formula II compounds. This amendment is intended to overcome the objection based on the labeling of different claimed formulae as "Formula II".

New claims 52-81 have been introduced. Support for new claims 52-65 can be found in the specification on pages 23-28, and in the claims as originally filed and claims as pending. Support for new claims 66-81 can be found in originally filed claims 9, 10, 20-29 and 32-35.

If the addition of these claims necessitates an additional claim fee, the Examiner is authorized to charge any such small entity fee to the Deposit Account of the undersigned as indicated on the transmittal.

Applicants reserve the right to pursue the subject matter of the originally filed claims in a continuing application.

No new matter has been added.

Telephone Interview with Examiner Russel

Applicants thank Examiner Jeffrey Russel for the opportunity to conduct a telephone interview on March 4, 2003. During the interview, the outstanding objections and rejections were discussed. Applicants agreed to submit a supplemental oath and a statement of common ownership in order to overcome the objections and rejections. Applicants also discussed the inclusion of dependent claims that recite specific species of anti-cancer compounds and anti-angiogenic compounds.

Supplemental Oath

Applicants are preparing a supplemental oath as required by the Examiner. The supplemental oath will be submitted to the Patent Office once executed.

Objection to the Specification

The specification is objected to for failing to provide antecedent basis for the claimed subject matter. The specification has been amended to include the formula of claims 1, 19, 36 and 37. Support for this amendment can be found in the provisional application from which priority is claimed, as described under "Remarks".

The specification is further objected to for identifying two different chemical structures as Formula II. Claims 1, 19, 36, 37, 40, 43, 46 and 49 have been amended to identify the formula from the provisional application as Formula III. This formula is similarly identified as Formula III in the specification.

Statement of Common Ownership

Applicants submit herewith a Statement of Common Ownership signed by an Officer of Point Therapeutics, Inc., the assignee of the instant application and application USSN 09/744,658. The inventions claimed in these applications were either commonly owned or subject to an obligation of assignment to Point Therapeutics, Inc. at the time the later invention was made.

Provisional Rejection under Judicially Created

Doctrine of Obviousness-type Double Patenting

Claims 1, 2, 11-19, 31, 36, 37 and 40-51 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-21 of co-pending application 09/744,658 in view of O'Reilly et al. or Brooks et al. In the alternative, claims 1, 2, 11-19, 31, 36, 37 and 40-51 are considered by the Examiner to be directed to an invention that is not patentably distinct from claims 1-21 of co-pending application 09/744,658.

In view of the now submitted Statement of Common Ownership, Applicants respectfully request that the Examiner reconsider and withdraw the double patenting rejection.

Priority Claim

Applicants acknowledge the Examiner's finding that claims 1-8, 11-19, 31, 36, 37 and 40-51 are entitled to the benefit of the filing date of provisional application USSN 60/135,861.

Claims 38 and 39 have a priority date of the filing date of the instant application, and are not entitled to the benefit of the filing date of provisional application USSN 60/135,861, according to the Examiner.

Applicants wish to clarify that the provisional application provides support for both L and D amino acids on page 13, lines 22-25.

Rejection under 35 U.S.C. 103(a)

Claims 1, 2, 11-19, 31, 36, 37 and 40-51 are provisionally rejected over co-pending application 09/744,658 in view of O'Reilly et al. or Brooks et al.

In view of the now submitted Statement of Common Ownership, Applicants respectfully request that the Examiner reconsider and withdraw the provisional rejection under 35 U.S.C. 103(a).

Allowable Claims

Applicants acknowledge the Examiner's finding that claims 3-8 would be allowable if rewritten to overcome the claim objection and to include all limitations of the base claim and any intervening claims. In view of the foregoing, Applicants have not rewritten claims 3-8 in independent form as Applicants believe that the claims will be allowable as currently pending following this amendment.

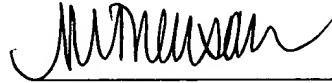
Summary

Applicants believe that each of the pending claims is in condition for allowance.

Applicants respectfully request that the Examiner telephone Applicants' representative in the event that the claims are not found to be in condition for allowance, prior to issuing a further action.

If the Examiner has any questions and believes that a telephone conference with Applicants' representative would prove helpful in expediting the prosecution of this application, the Examiner is urged to call the undersigned at (617) 720-3500 (extension 266).

Respectfully Submitted,



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